

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**JAMES F. GIDDENS**

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§  
§  
§

**5:05-CR-35**

**MEMORANDUM ORDER**

The above-entitled and numbered criminal action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendant's plea of true to the allegations as set forth in the Government's petition is **ACCEPTED**. It is further

**ORDERED** that Defendant's supervised release is **REVOKED**. Based upon Defendant's plea of true to the allegations and with no objection by the Defendant or the Government, the Court finds Defendant did violate his conditions of supervised release as alleged in the U.S. Probation Office's violation petition. It is further

**ORDERED** that Defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months. It is further

**ORDERED** that upon release from imprisonment, Defendant shall be placed on supervised release for a term of 12 months. It is further

**ORDERED** that within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall report in person to the probation office in the district to which Defendant is released. While on supervised release, Defendant shall not commit another federal, state, or local crime. Defendant shall not illegally possess a controlled substance and shall refrain from any unlawful use of a controlled substance. Defendant shall be required to submit to a drug test within 15 days of release on supervised release, and at least two periodic drug tests thereafter, as directed by the probation officer. Defendant shall comply with the standard conditions that have been adopted by the Court and shall comply with the following additional conditions. Defendant shall reside in a community confinement center, halfway house or similar facility, located in Tyler, Texas, in a prerelease component for a period of 180 days to commence upon release from confinement and shall observe the rules of that facility. Defendant shall also participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

**SIGNED this 17th day of August, 2006.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE